

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF OKLAHOMA**

**The Honorable Tom R. Cornish**

**INSTRUCTIONS GOVERNING EVIDENTIARY HEARING PROCEDURE IN  
CONTESTED MATTERS**

**PLEASE READ CAREFULLY**

**INTRODUCTION:**

This instruction sheet is intended to give guidance to counsel involved in an Evidentiary Hearing of a “contested matter” pursuant to Rule 9014, Fed. R. Bankr. P. Before this Court as to what is expected at an evidentiary hearing. The rules and instructions contained herein shall bind the parties as if included in the Local Rules of the Court. Neither counsel nor the parties may deviate from the mandatory rules without leave of the Court.

**A. Evidentiary Hearing:**

Evidentiary Hearing shall be conducted at the date and time prescribed by the Court. The following instructions shall govern the conduct of the parties at evidentiary hearing:

- 1) Five days prior to the evidentiary hearing, counsel shall have marked all exhibits. Movant’s exhibits shall be marked numerically; Respondent’s exhibits shall be marked alphabetically. Counsel shall exchange and file Witness and Exhibit Lists on this Courts’ Local Form 9016-1 and 9017-1 five (5) days prior to the evidentiary hearing. Simultaneously, counsel shall provide all copies of the exhibits to opposing counsel and two copies to the Judge.
- 2) During the evidentiary hearing, exhibits should be introduced into evidence using the Court’s Digital Evidence Presentation System.<sup>1</sup> Copies of the exhibits shall be accepted by the Court Recording Operator upon introduction and admission and will not be returned to counsel.

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<sup>1</sup>The Digital Evidence Presentation System (“DEP”) allows parties to present evidence in several forms:

1. Paper documents may be displayed on the system using a document camera;
2. Documents which have been stored electronically may be presented by connecting a laptop computer with the DEP;
3. Audio, DVD or VHS tapes may be played on the system.

In each instance, the parties must provide the Courtroom Recording Operator with an original and one copy of the exhibits (other than DVD or VCR tapes) in paper form. The paper copy of the exhibits will serve as the original in the event of an appeal.

Training will be made available on an appointment basis if necessary. To request training please contact the court at 918-758-0126.

- 3) If the parties have stipulated to the admission of exhibits, the parties shall so inform the Court at the evidentiary hearing. Such stipulation is encouraged by the Court.
- 4) Counsel shall have prepared the exhibits in sequential order of intended introduction at evidentiary hearing prior to the time scheduled for evidentiary hearing. If delay in evidentiary should occur due to counsel's failure to properly prepare for evidentiary hearing, sanctions against said counsel may result.

B. Record of the Evidentiary Hearing:

The official record of the trial is taken by digital media (FTR) recording. Microphones are placed at strategic locations in the Courtroom. Counsel can take a number of steps to facilitate the record taking in the Courtroom:

- 1) Give a business card to the person operating the electronic recording equipment (the Court Recording Operator);
- 2) When speaking on the record, make certain that you talk directly in front of a microphone;
- 3) At the beginning of the trial, identify yourself at a microphone and spell your name for the record;
- 4) Make certain that all witnesses which counsel calls to testify identify themselves clearly and spell their names;
- 5) Make certain that verbal responses are elicited from witnesses;
- 6) If any witnesses will present testimony containing unusual or technical vocabulary, prepare a list of such names and terms for the Court Recording Operator.

For the convenience of counsel, a digital index counter is located on the Bench. Counsel may write down the index numbers as an aid to locating a portion of the record to which you may wish to refer or playback as needed. The index counter may be used to identify portions of the record which counsel may want duplicated or transcribed for appeal purposes or otherwise.

Copies of the digital recordings or of a transcript of the record may be obtained from the Court Recording Operator by submitting the appropriate order forms. These forms are available from the Court Recording Operator or on the Court's website.

This Court uses Digital Evidence Presentation System which allows parties to present paper documents using a document camera. Documents which have been stored electronically may be presented by connecting a laptop computer directly to the Digital Evidence Presentation System or by playing audio, DVD or VHS tapes on the system.

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**WITNESS & EXHIBIT LIST INSTRUCTIONS**  
**FOR ATTORNEYS**

<b>WITNESS LIST:</b> Use Eastern District Bankruptcy Form provided	E-File: Signed original with the U.S. Bankruptcy Court	Mail: (1) Copy to opposing counsel	
<b>EXHIBIT LIST:</b> Use Eastern District Bankruptcy Form provided	E-File: Signed original with the U.S. Bankruptcy Court	Mail:(1) Copy to opposing counsel	
<b>EXHIBITS:</b> <b>Exhibits will not be returned.</b> <b>Do not submit Originals to the Court.</b> Movant's Exhibits are marked numerically. Respondent's Exhibits are marked alphabetically	Mail or Hand Deliver: (2) Marked copies ( <b>but do not file</b> ) to the U.S. Bankruptcy Court and include (2) copies of the (NEF) electronically filed Witness and Exhibit lists	Mail: (1) Marked copy to opposing counsel	Hand: (1) Marked copy to Court Recording Operator upon introduction and admission of each individual exhibit during the trial or hearing (These Exhibits will not be returned to counsel.)

**FOR THE EASTERN DISTRICT OF OKLAHOMA**

IN RE:

Case No.

Chapter

Debtor(s)

**EXHIBIT LIST**

DATE OF HEARING		OPERATOR		PAGE NO.
EXHIBIT NO.	DESCRIPTION	I D	ADMITTED	REJECT/WD

Respectfully Submitted,

By \_\_\_\_\_

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

IN RE:

Case No.  
Chapter

Debtor(s)

**WITNESS LIST**

DATE OF HEARING		OPERATOR				PAGE NO.
Witness No.	NAME AND ADDRESS (Brief Description of Testimony)	Direct	Cross	Redir	Recross	Judge

**Respectfully Submitted,**

By \_\_\_\_\_